

er Right Number 1322-2

1. Considered 1-22, 19 76
2. Name of Applicant CHARLES RICK JOHNSON, ET AL.
3. Post Office Address MILLER
4. Amount of water claimed 8.0
5. Source of water supply GROUND WATER (3-200' WELLS)
6. Water to be used for IRRIGATION
- Acres to be irrigated 589
7. Water to be diverted and used in TODD County
about 115, SW Miles of MISSION
8. Proof of Publication Received 1-13-76
Not received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

SEE 1321.2 FOR
SOLICITOR LETTER

No. 1522-2Map No. 1120-2Water Division No. 2KEYAPAH RIVER
(Blanks to be filled by the Engineer for the W. P. C.)

District

DEC 12 1975

1:00 PM

STATE WATER ENGINEER
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriately Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant Charles Rick Johnson, Wally Eklund, David Vrooman, Charles Shaykett
 Postoffice address P. O. Box 166, Miller, S.D. State South Dakota 57362
 if a corporation show date and place of incorporation.
2. Method of accomplishing work (contract, employment of others, or by direct labor) contract.
3. Name of diversion work Bernard K. Rahn Irrigation Works. #2
4. Amount of water claimed (cubic feet per second) 5.0 (2.0 CFS TRANSFERRED TO APPL. NR. 1321-2)
5. Source of water supply Ground water wells.
6. Location of point of diversion Center of Quarters in NW 1/4 of Sec. 34; Twp. 37N, Rge. 29W, and near southline of NW 1/4 of Sec. 4; Twp. 36N, Rge. 29W. of the 5th P.M. County Todd
7. Annual period or periods during which water is to be used growing season.
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation.
9. For irrigation use, Total number of acres to be irrigated 589

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.	
Land Description	No. Acres Irr.
see attached maps and data sheet - this application is for the addition of land in 2 quarters and an 80 that make up the balance of the land in the farm.	

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years years. Additional time required to complete application of water to the proposed beneficial use 5 years years.
11. Choice of newspaper for Notice of Intent to Appropriately Water publication Todd County Tribune.
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Water to be taken from underground aquifer.

B. Works proposed to transport water to place of use.

Wells and electric motors and pumps will be installed to be used in applying water through irrigations systems.

C. Works proposed to apply water to beneficial use.

Irrigation.

Estimated Total Cost \$100,000.00 including the systems.Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of MinnehahaI, Charles Shaykett the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction

Subscribed and sworn to before me this

Signed

9th

day of

December 1975

Charles Shaykett
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1322-2 ^{Sign: [Signature]}
~~CHARLES RICE JOHNSON, WALLY EKELUND,~~
~~DAVID VERMAN & CHARLES SHAYBET~~ Box 166, MILLER ^{101 S Main}
 (Applicant) ⁻⁵⁷¹⁶⁻ (Post Office Address)
SOUTH DAKOTA 57362 With the following modifications:
 (State)

The irrigation wells approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application DECEMBER 12, 19 75
 Date of return to applicant for correction, amendments or changes required _____, 19 ____
 Date of receipt of corrected application _____, 19 ____
 Approved MARCH 24, 19 77, Recorded in Book 17 Page 271

WATER RIGHT PERMIT NO. 1322-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1322-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is DECEMBER 12, 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 24, 19 79
3. The whole of said work is to be completed on or before MARCH 24, 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 24, 19 82
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 8.0 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before MARCH 24, 19 82; said water to be used during the following described annual period: GROWING SEASON

Witness my hand this 15TH day of APRIL, 19 77

WATER RIGHTS COMMISSION

By:

[Signature]
 Chief Engineer, Executive Office

Certificate of Construction Issued _____, 19 ____

Water License Issued _____, 19 ____

BERNARD K. RAHN IRRIGATION WORKS

<u>Description</u>	<u>Now under Irrigation</u>	<u>To be Added</u>	<u>Total</u>
Map # 1- Section 28 - NE $\frac{1}{4}$	130	21	151
Section 28 - SE $\frac{1}{4}$	130	21	151
Section 28 - SW $\frac{1}{4}$	130	21	151
Map # 2- Section 33 - NW $\frac{1}{4}$	130	21	151
Section 33 - NE $\frac{1}{4}$	130	21	151
Section 33 - SE $\frac{1}{4}$	130	21	151
Map # 3- Section 34 - SE $\frac{1}{4}$	130	21	151
Map # 4- Section 4 - SE $\frac{1}{4}$ & NE $\frac{1}{4}$	150	70	220
TOTALS	1060	217	1277
Map # 5- Section 28 - NW $\frac{1}{4}$	-0-	151	151
Map # 6- Section 34 - SW $\frac{1}{4}$	-0-	151	151
Map # 7- Section 4 - NW $\frac{1}{4}$	-0-	70	70
TOTALS	-0-	372	372
TOTAL TO BE CONSIDERED	1060	589	1649

Total acres in farm	1744
Total acres now irrigated	1060
Total acres to be added	589
Acres in road, Bldgs, etc.	95

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

(1) Drill Hole, Diameter 3 1/2", Depth 200'

(2) Casing, Type Steel, Diameter 18", Thickness 1/4"
(wood, concrete, steel, etc)

(3) Perforated Screen

Type Sed., Diameter 18", Length 150'

(4) Gravel Pack, Thickness 10", Length of gravel pack 200'

E. Dugout Information or Estimates.

(1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials sand and sandstone - see well
logs submitted with original application.

Depth to top of water bearing material 50'

Depth to bottom of water bearing material 200'

Thickness of water bearing material 150'

Depth to water (ground surface to water level) 50'

(2) Distance to nearest existing household or livestock watering wells.

On same owner's property 100 rds. On property owned by others 160 rds

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Charles Skarlett
Signature of Applicant

No. 1322-2

Publish first publication, on or before January 8, 1976

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 17, 1975

Notice is hereby given that Charles Rick Johnson et al
whose post office address is Miller, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

8.0 cubic feet of water per second of time from the ground water through the
Rahr No. 2, the point of diversion of which is to be located in the

center of the NW $\frac{1}{4}$, Section 28, center of the SW $\frac{1}{4}$, Section 34
T 37N, R29W

of Section 4, Twp. 36N, Range 29W. Said water to be used for the purpose
of providing irrigation on the following described land:

NW $\frac{1}{4}$, Section 28, SW $\frac{1}{4}$ Section 34, T37N, R29W, N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 4
T36N, R29W

This application No. 1322-2 will be considered by the Water Rights Commission at their office at
Pierre upon the 22nd day of January, 1976, at 2:30 P.M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw
cc Charles Shaykett

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 1322-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Todd) ss.

I, Margaret Sigert hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Todd County Tribune

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

City of Mission

County of Todd and State of South Dakota;
that the said notice was published in said newspaper on the following
dates:

Thursday, Dec. 25, 1975

Thursday, Jan. 1, 1976

Margaret Sigert
(Signature)

Co-Owner
(Title)

1-8-76
(Date Signed)

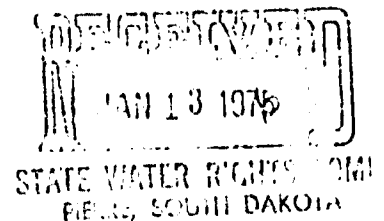
Notice of intent to
appropriate water

Notice is hereby given that
Charles Ric Johnson et al whose
post office address is Miller,
South Dakota, has made an
application in accordance with
the provisions of the water laws
of South Dakota for a permit to
appropriate for beneficial use 8.0
cubic feet of water per second of
time from the ground water
through the Rahn No. 2, the point
of diversion of which is to be
located in the Center of the
NW $\frac{1}{4}$, Section 28, Center of the
SW $\frac{1}{4}$, Section 34 T37N, R29W
of Section 4, Twp 36N, Range
29W. Said water to be used for the
purpose of providing irrigation
on portions of the following
described land: NW $\frac{1}{4}$, Section
28, SW $\frac{1}{4}$, Section 34, T37N, R29W;
NW $\frac{1}{4}$, Section 4, T38N, R29W
This application No. 1322-2 will
be considered by the Water
Rights Commission at their
office at Pierre upon the 22nd day
of January, 1976, at 2:30 p.m. All
interested persons may appear
and be heard.

WATER RIGHTS
COMMISSION

By: Burton F. Jones
Water Rights
Specialist

Publ. Dec. 25 and Jan. 1



May 12, 1977

Charles Shaykett
Box 166
Miller, SD 57362

Dear Mr. Shaykett:

Enclosed herewith is your Water Right Permit No. 1322-2 as approved by the Water Rights Commission, authorizing you to construct your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 1322-2/

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Water Rights Commission when you have completed the system and/or have put the water to beneficial use. The Commission can then schedule an inspection so that your Certificate of Construction and/or your Water License may be issued to you, thus completing your acquisition of a Water Right.

This is to inform you that the Office of the Solicitor, United States Department of Interior in a letter dated December 30, 1975, contends that the State of South Dakota lacks jurisdiction with respect to the issuance of permits to use waters within the exterior boundaries of an Indian Reservation.

Respectfully,
WATER RIGHTS COMMISSION

JOHN HATCH
Chief Engineer

JH/nf

enclosures

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501-3181

WATER RIGHTS DIVISION
(605) 773-3352

1224-2
1321-2
1322-2

February 15, 1984

Mission Farms
c/o Vincent Morabito
Box 510
Tilden, Nebraska 68781

Dear Mr. Morabito:

This letter is in regard to the inspection and licensing of Mission Farms Water Permit Nos. 1224-2, 1321-2 and 1322-2 in Todd County, South Dakota.

The following applications and information must be submitted before licensing can be completed:

1. Permit #1224-2
Construction records for wells in SE $\frac{1}{4}$ of Section 4, T36, R29; NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 33, T37, R29; SE $\frac{1}{4}$ of Section 34, T37, R29 and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, T37, R29.
2. Permit #1321-2 and 1322-2
Soil/Water Compatibility application (form VI-1) for lands irrigated in NW $\frac{1}{4}$ Section 28 and SW $\frac{1}{4}$ of Section 34, T37, R29. The Department of Agriculture will mail this form to you.

Application for the additional well (east well) in SW $\frac{1}{4}$ of Section 34, T37, R29. The original application No. 1322-2 included only one well in SW $\frac{1}{4}$ Section 34, T37, R29. This application will require a \$50.00 fee.

If you have any questions, feel free to call this office.

Sincerely,

Frank Smith
Water Resources Engineer

FS:ms
cc: Jim Stukel

Equal Opportunity Employer

NO. _____



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 8-2-89

This is to notify you that the title to the lands described as follows:

NW 1/4 Section 28 SW 1/4 Section 34, T37N,
R29W and the NW 1/4 NE 1/4 Section 4, T36N, R29W

formerly owned by Charles Rick Johnson, Wally Eklund, & Dave Kroonman
has been transferred to Mission Farms, Inc. HR 78, Box 26, Creston NE
(please include complete mailing address) 69212
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 7322-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit"
in its appropriate file at the Div. of Water Rights, Water Management Board as
evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees
as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA }
County of Todd } ss.

I, David Daniel being first duly sworn on my oath depose and say
That my relation to the above described undertaking is that of Owner, that I have read
the above foregoing statement, and I know of my own personal knowledge that the infor-
mation herein stated is true.

David Daniel
(Signed)

Subscribed and sworn to before me this 2nd Day of August, 1989.



Carrie Jo Hand
(Notary Public)

RECEIPT

471871

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, August 4

1989

RECEIVED OF Mission Farms, Inc., P.O. Box 221, Valentine, NE 68201

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	2	50
Fee for Filing Transfer Form _____ Water Permit No. 1382-2		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	2	50

By John Hatch
Chief Engineer

South Dakota Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 30, 1989

No. 1322-2

Mission Farms, Inc.
HC 78, Box 26
Crookston NE 69212

Dear Sir:

Enclosed is the receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 1322-2.

Our records now show you as the owner of this Water Permit.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
605 773-3352

enclosure





APR 16 2002

1322-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

2009-2
2092-2
2096-2

Leonard Danielski
Mission Farms
PO Box 230
Valentine, NE 69201-0230

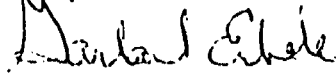
Dear Mr. Danielski:

Enclosed are Water License Nos. 2009-2, 2092-2 and 2096-2. These are the final water right documents completing your process of obtaining water rights. Enclosed are Receipt Nos. 410937, 417116 and 417117 in the amounts of \$50.00 each which you paid for the investigation and issuance of the Water Licenses.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well(s) authorized by Water Right Nos. 2009-2, 2092-2 and 2096-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,


Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: Applicable portions of Water Permit No. 1322-2 were incorporated into Water Right Nos. 2092-2 and 2096-2.
Applicable portions of Water Permit No. 1164-2 were incorporated into Water Right No. 2009-2

5.9

Map #5

(3-148)

Well and center pivot system to be
installed to irrigate 151 acres.

9.7

26.1

9.7

39.3

11.7

49.6

44.1

26.9

37-29

MAP NO 1120-2 (APPL NO 1322-2)

Map # 6

22.2 (1-140)

16.5

14.8

15.7

14.2

10.7

Handwritten notes:
100
1.2
10

Handwritten notes:
100
1.2
10

34

Well and center pivot system to be installed and irrigate 151 acres.

Handwritten notes:
Bernard Kaber

36.4

9.5

37.29

45.3

(1-140)

20.9

48.9

Map # 7

36.4

9.5

37-29

45.3

(1-140)

20.9

Well and system to be installed
to irrigate 70 acres.

48.9

18.8

14.2

28.3

32.0

17.7

39.8

5.0

9.4

36-29